

POLICE CONDUCT OVERSIGHT COMMISSION
Minutes
Regular Meeting January 12, 2015
Starting at 6:00 p.m.
350 Fifth Street, Room 241, Minneapolis, MN 55407

Commission Members Present: Andrea Brown (Chair), Andrew Buss, Adriana Cerrillo, and Amran Farah, and Afsheen Foroozan.

Commission Members Absent: Jennifer Singleton (Vice Chair), and Laura Westphal.

Staff Present: OPCR Director, Imani Jaafar; OPCR Supervisor, Ryan Patrick and Commission Clerk, Leda Schuster.

Chair Brown called the meeting to order at 6:02 p.m.
A quorum of the Commission was present.

The session started with the swearing-in ceremony, facilitated by City Clerk Casey Carl, of the newly appointed Commissioner Foroozan and re-appointed Commissioners Buss, Brown, Singleton, and Westphal. Immediately followed by the swearing-in of the newly appointed Police Conduct Review Panelists McCann, Rance, Trebatoski, and Wagner.

Chair Brown moved to adopt the meeting agenda.

Seconded

All-in-favor. None opposed.

The Motion Carried.

Buss moved to approve the meeting minutes.

Seconded

All-in-favor. None opposed.

The Motion Carried.

Public Comment:

The following is a list of speakers and an abstract of their individual comments:

Dave Bicking:

- Informed of letter recently sent via email regarding acknowledgement of participation on the Chief's performance review.
- Suggested informing the City Council of the public's comments, even though the decision has already been made, with regard to the Chief's re-appointment and perhaps adding to the agenda for discussion today.
- Has in possession full files involving incidents where officers were disciplined and indicates that there will be two more available by the next meeting date. He suggested the Commissioners review the files.

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- Comments on case summaries resulting in no discipline and the lack of explanation on how evidence will lead to findings on policy and discipline.

With no further public comment, Chair Brown moved to the next item on the agenda.

New Business

Chair Brown welcomed those in attendance and provided a brief introduction starting the year and introducing herself and fellow Commissioners. After a brief introduction by each Commissioner, the Chair moved to the next item on the agenda.

Re-Affirmation of the NACOLE Code of Ethics

Chair brown indicated that the Commission adopted some of the language in reference to gender identity; NACOLE adopted the PCOC additions, and called for additions or subtractions to the policy. Chair Brown opened the floor for discussion.

With no further discussion on the matter, Chair Brown made the following motion:

Moved to re-affirm the NACOLE Code of Ethics.

Seconded

All-in-favor. None opposed.

The motion carried.

Policy Update by Deputy Chief Medaria Arradondo

- Have had a couple of IT glitches in the software updates for officers to track and enter Terry Stop data in their squad cars; will provide a progress update when available.
- Policy change in Section 105 of the Professional Code of Conduct regarding inappropriate language usage; referencing sections 5-105, 10, 14, and 15 fully captured under section C1
- Modified section language was adapted from previous policies and grouped under heading C, language.
- Will be working with Commander Case and his team on the discipline matrix changes to reflect or coincide with the Professional Code of Conduct.
- Body camera purchase is still in negotiations; have not yet locked in which company will provide the equipment.
- The current proposed body camera policy is currently with City Attorney Susan Segal and will make sure the materials are presented to the Commission and the public has an opportunity to view it.
- Has met with National Initiative team; they will be reaching out to the PCOC in the near future.

With the conclusion of Deputy Chief Arradondo's presentation, Chair Brown opened the floor for discussion. The following is a list of speakers during the discussion and an abstract of the main points presented:

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Brown – asked if the training manual will be available to the PCOC and what the status of the body camera policy recommendations is.

DC Arradondo – indicated that there was quite a robust inclusion of the PCOC recommendations and will have available to the Commissioners, but at the moment it is still quite fluid and the MPD is looking for legal guidance and opinion. Nothing is solidified at the moment but materials will become available.

Foroozan – asked if DC Arradondo can send or share a copy of the body camera policy that was sent to the City Attorney indicating that it would be beneficial for the Commission to be able to see the differences in proposals.

DC Arradondo – will contact the City Attorney's office and relay that request to them.

Farah – Questioned how the rollout of body cameras to the officers will work and how many officers in each precinct.

DC Arradondo – The rollout will start with the first and fourth precincts; indicated that the department is using a staggered rollout to allow time to work out potential issues associated with new technology and equipment. The first precinct has 110 officers and the fourth 120. The goal for the all the precincts to be fully equipped is sometime in 2016.

Brown – Indicated that the PCOC has been contacted by members of the National Initiative and three of the Commissioners are scheduled to meet with them on January 18, 2016 and the other three will be meeting with them in February 2016, dates to be determined.

With no further discussion on the matter, the Chair moved to the next item on the agenda.

Review of Q4 Data

Imani Jaafar Director of the Office of Police Conduct Review addressed the Commission. The following were the main points from her presentation:

- There have been website issues and the report will be posted as soon as the department is able, there is a hard copy available in the office.
- The annual report will be available in February, which will provide a comprehensive look at the 2015 cases; will email after completion.
- Of the cases pending assignment, there are 70 open and 90 closed; in previous quarters there were over 100, which is a major difference and are continue to work to bring that number down.
- The average outstanding time in most precincts was within 45 days.
- Cases by precinct results of coaching – four cases were coached.
- The review panel has been very active in discrimination, excessive force, and truthfulness; they have started a new scheduling process to enable them to move more smoothly through the process.
- The Chief currently has one case over 60 days old, one case over the 45-day time limit, and four within.
- Of the Chief's cases, there were two sustained violations resulting in coaching, one suspension, one written reprimand, and one termination.

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- There will be a more comprehensive picture of 2015 provided in the annual report.

With the conclusion of Director Jaafar's presentation, the Chair opened the floor for discussion. The following is a list of speakers and an abstract of their individual comments:

Brown - Asked about average age of outstanding A-Level violations from the Third Precinct, which had 112, was how long it took or number completed. She also asked if there are issues with completion and timeliness continuing in precincts that have had issues in the past.

Patrick: Explained that First, Third, Fifth, and Special have none outstanding; he indicated that the grey bar on the report indicates the average amount of time it took to complete. He also indicated that there have not been issues with timeliness in the Third Precinct.

Foroozan - Asked if there was a slide show that shows the completed coaching's for the quarter.

Patrick - Indicates there is a table in the narrative section which includes that information and that those numbers will be reflected there as soon as the website issues are resolved.

With no further discussion on the matter, Chair Brown moved to the next item on the agenda.

Committee Reports

Policy and Procedure Committee

Commissioner Buss, the Committee Chair, addressed the Commission. The following are the main points from his report:

- The meeting was held on December 15, 2015 and all Commissioners were present; the basic information about the meeting is available online.
- The two main topics included the Doesn't Fit Any Crime and EDP studies.
- The main issue involving the Doesn't Fit Any Crime study seems to involve database limitations, given that there is a new RMS coming there is no recommendation at this time.
- There is a request for Deputy Chief Glampe to come and update the Commission on the new RMS system.
- There was also an EDP presentation from Commissioner Westphal, who had a motion to look for what is out there in other jurisdictions on those types of interactions.
- The results of that motion are expected at the next Committee meeting and will develop an actual research and study to be presented at the next Commission meeting.

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With no further discussion, Chair Brown moved to the next item on the agenda.

Outreach Committee

Commissioner Singleton, the Committee Chair, was absent. Commissioner Cerrillo indicated that she did not have the Chair Report, but stated that the information from the meeting was available online.

Commissioner Cerrillo proposed amending of the agenda and adding an item related to Dave Bicking's comments on the Chief's re-appointment. The matter was tabled and it was indicated that it will be added to the February agenda for discussion after all the Commissioners get a chance to review Mr. Bicking's handout.

With no further discussion on the matter, Chair Brown moved to the next item on the agenda.

Discussion of December 2015 Selected Case Summary Data

The Commissioners proceeded to engage in a discussion about case number 10 summary data.

The following is a list of the speakers during the discussion and an abstract of the points presented:

Farah - Asked for clarification regarding MPD policies; it appears as though this case resulted in a violation but the officer received coaching. When compared to the discipline matrix, this looks to be a B-violation, not an A. Indicating that there are many cases with what seems to be mitigating factors and B-violations that receive coaching instead of receiving a violation.

Buss - Indicated that this was not about the language issue, but a lack of recording the incident to either prove or disprove.

Patrick - Not attempting to defend the matrix, but it is a recommendation; State law leaves it in the Chief's hands and she would outline the reasons for the decision in a case memo.

Farah – Asked if it's possible to get a summary of the Chief's determinations?

Patrick - What comes back to the office is available for the office staff; perhaps it would be better to provide or give a presentation to help with misunderstandings and should be included in the case summary material. There are a number of factors that are considered when making determinations.

Brown – Mentioned it would be nice to see the limits to help get some clarification and identify trends; suggested Commission should look into that as they start getting information as mitigating factors.

The Commissioners proceeded to engage in a discussion about case number nine summary data.

The following is a list of the speakers during the discussion and an abstract of the points presented:

Brown - The case refers to a racial slur, under the new policy distributed by Deputy Chief Arradondo, this would fall under category C2, which would be discriminatory, derogatory, or biased terms regarding race? The case was dismissed for no basis.

DC Arradondo - indicated that C2 is the correct policy reference.

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Director Jaafar – Said it was not necessarily wrong to classify under 105-14 but with the new policy change the classification is much clearer; this particular case was fully investigated and the complainant refused to come in for an interview. Additionally, there were credibility issues without complainant cooperation. Moving forward things will be different.

With no further discussion on the matter, Chair Brown moved to the next item on the agenda.

New Case Selection

Brown - 6, 8, 10

Foroozan - 4, 8, 9

Buss - 6, 8, 9

Singleton - Absent

Cerillo - 5, 8, 9

Westphal - Absent

Farah - 2, 4, 6

Chair Brown indicated the new case selections for discussion at the January 2016 meeting are **case numbers 6, 8, 9** as the top picks, which were then selected by **unanimous consent of the Commissioners**.

With no further discussion on the matter, Chair Brown moved to the next item on the agenda.

ADJOURNMENT

With all of the Commission's business being concluded, the Chair entertained a motion:

Buss moved to adjourn.

Seconded.

All-in-favor. None opposed.

The motion carried.

Chair Brown adjourned the meeting at 7:06 p.m.